

Application Serial No. 09/898,295

REMARKS

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In response to the Office Action mailed July 1, 2005, Applicants amend the claims and request consideration of the remarks that follow. In this response, Applicants amend claims 1-3 and 5-6, and add new claims 7-17. Applicants do not cancel any claims. Accordingly, claims 1-17 are pending in this Application.

**A. Claim Rejections – 35 U.S.C. § 112**

The Examiner rejects claims 2, 3, and 5 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants amend claims 2, 3, and 5 to clarify the claims. As such, Applicants submit that amended claims 2, 3, and 5 particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 3, and 5.

**B. Claim Rejections – 35 U.S.C. § 103**

The Examiner rejects claims 1-3 under 35 U.S.C. § 103(a) as being obvious over World Publication No. 99/52220 filed by Bullock et al. ("*Bullock I*") in view of the ordinary skill in the art. Applicants traverse the rejection.

To render a claim obvious, the cited references must teach or suggest every element of the rejected claim. Among other elements, claim 1 defines "a wireless telephone communication system for a set top box, comprising: ...a set top box connected via a standard telephone cable to said extension unit." Applicants submit that the cited references fail to teach or suggest at least these elements of claim 1.

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In making the rejection, the Examiner characterizes *Bullock 1* as disclosing all of the elements of claim 1 except a set top box. The Examiner takes Official Notice "that a set top box having a personal computer function like PCTV is notoriously well known in the art." Applicants disagree. Contrary to the Examiner's assertion, Applicants submit that a set top box and a computer are different devices. As an initial matter, Applicants note that the cited reference and the present Application are under common ownership. Furthermore, Applicants note that a computer generally includes complex circuitry and functionality. By contrast, a set top box generally includes more simple circuitry than a computer and is usually manufactured to perform specific functions. Furthermore, a set top is less expensive to manufacture than a computer. Thus, for at least these differences, a set top box and a computer are not equivalent devices. Accordingly, Applicants request the Examiner to produce a reference showing that a computer is the equivalent of a set top box as defined in Applicants' claim.

The failure of *Bullock 1* to teach or suggest all of the elements of claim 1 is fatal to the obviousness rejection. Therefore, claim 1 is not obvious over *Bullock 1*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 2 and 3 either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, claims 2 and 3 are not obvious over *Bullock 1* at least for the same reasons as claim 1, in addition to their own respective features.

The Examiner rejects claims 4-6 under 35 U.S.C. § 103(a) as being obvious over *Bullock 1* in view of World Publication No. 01/28241 filed by Bullock et al. ("*Bullock 2*"). Applicants traverse the rejection.

As an initial matter, claims 4-6 either directly or indirectly depend from claim 1 and include all of the elements thereof. In making the rejection, the Examiner characterizes *Bullock*

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*1* similar to the rejection discussed above. Applicants have discussed the defects of *Bullock 1* above and submit the discussion above is equally applicable to dependent claims 4-6. Therefore, *Bullock 1* fails to disclose all of the elements of claims 4-6. The Examiner relies on the disclosure in *Bullock 2* to cure the defects of *Bullock 1*, however, Applicants respectfully submit *Bullock 2* fails to cure such defects.

As an initial matter, Applicants note that *Bullock 1*, *Bullock 2*, and the present Application have a common owner. In making the rejection, the Examiner does not cite *Bullock 2* as showing "a set top box connected to said extension unit via a standard telephone cable" as recited in claims 4-6 (via claim 1). Furthermore, in reviewing *Bullock 2* in its entirety, Applicants are unable to discern any sections that disclose such. Therefore, *Bullock 2* fails to cure the defects of *Bullock 1*.

The failure of the combination of *Bullock 1* and *Bullock 2* to teach or suggest all of the elements of claims 4-6 is fatal to the obviousness rejection. Therefore, claims 4-6 are not obvious over *Bullock 1* in view of *Bullock 2*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4-6.

### C. New Claims

Applicants add new claims 7-17, which either directly or indirectly depend from amended claim 5 and includes all of the elements thereof. Applicants submit that the cited references do not teach or suggest every element of amended claim 5. Therefore, Applicants submit claims 7-17 are in condition for allowance at least for the same reasons as claim 5, in addition to its own features.

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**BEST AVAILABLE COPY****CONCLUSION**

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date:

12/30/05

By:



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